



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029

NOV - 4 2009

Mr. Robert W. Shanks, President
Eastern Operations
Arch Coal, Inc.
1 CityPlace Drive, Suite 300
St. Louis, Missouri 63141

Re: Spruce No. 1 Surface Mine Permit 199800436-3 (Section 10: Coal River)
Logan County, West Virginia

Dear Mr. Shanks:

On October 30, 2009, representatives of the U.S. Environmental Protection Agency (EPA), the U.S. Army Corps of Engineers (Corps), and the Mingo Logan Coal Company met in Washington, D.C. to discuss EPA's Clean Water Act Section 404(c) letter dated October 16, 2009 regarding the above-referenced Spruce No. 1 Surface Mine. During these conversations, the Company and EPA agreed to continue to meet to discuss EPA's concerns. Accordingly, to facilitate further discussions, EPA is granting a 15-day extension of the time period described in 40 C.F.R. § 231.3(a)(2) for the Company and/or the Corps to provide additional information pertinent to EPA's evaluation of the Spruce No. 1 Surface Mine Permit pursuant to Section 404(c) of the Clean Water Act.

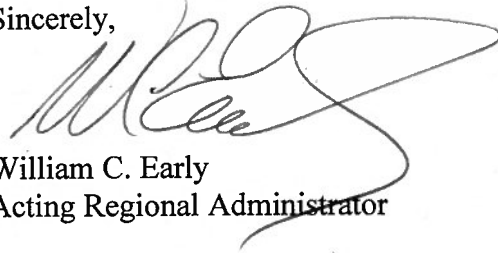
The time period described in 40 C.F.R. § 231.3(a)(2) is intended to give the permittee an initial and expeditious opportunity to provide a response, including additional information regarding the project that may not already be contained in the record. Under the regulations, if EPA decides to proceed to the next stage in the process, we will provide further interaction with the permittee, the Corps, and the public as part of our Section 404(c) review. Specifically, the regulations contemplate a formal public comment period, as well as an opportunity for a public hearing.

In balancing EPA's regulatory responsibility to respect the timeframes set out in the regulations with the need for the Company to provide a considered response and for EPA to evaluate that response, we have determined that extending the timeframe for your response for an additional 15 days is appropriate. This extension will allow EPA and the Corps an opportunity to consider any additional information the Company may provide.



Thank you for your cooperation during this process. If you have any questions, please do not hesitate to contact me at (215) 814-2626 or Mr. John Pomponio, Director, EPA Region III's Environmental Assessment and Innovation Division, at (215) 814-2702.

Sincerely,

A handwritten signature in black ink, appearing to read 'W. C. Early', with a large, sweeping flourish extending to the right.

William C. Early
Acting Regional Administrator

cc: Colonel Robert D. Peterson
Huntington District Engineer
U.S. Army Corps of Engineers

